

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ROBERT HALDEMAN,

Plaintiff,

v.

GC&E SYSTEMS GROUP,

Defendant.

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CIVIL ACTION FILE NO.

NOTICE OF REMOVAL

COMES NOW GC&E Systems Group and, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, gives notice of the removal of this civil action from the Magistrate Court of Gwinnett County to the United States District Court of the Northern District of Georgia, Atlanta Division and shows the following:

1.

On or about May 6, 2014, Plaintiff Robert Haldeman ("Plaintiff" or "Haldeman") filed a statement of claim (the "Claim") in the Magistrate Court of Gwinnett County, Case No. 14-M-14623, against Defendant GC&E Systems Group. This action is still pending.

2.

GC&E Systems Group was served with the Complaint on May 12, 2014, so this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b). Pursuant to 28 U.S.C. § 1446(a), copies of the Summons and Claim served on GC&E Systems Group are attached as Exhibit A. The documents which comprise Exhibit A constitute all process, pleadings and orders served on GC&E Systems Group in the Civil Action to date. GC&E Systems Group has not made an appearance in the Magistrate court action as of this date.

3.

Plaintiff brings claims against Defendant for failure to pay accrued vacation pay, failure to provide short-term disability benefits, loss of personal property, and failure to pay overtime wages.

5.

As provided under 28 U.S.C. § 1331, the district courts have removal jurisdiction over "[a]ny civil action of which the district courts of the United States have original jurisdiction under the Constitution, treaties or laws of the United States."

6.

In the instant case, federal question jurisdiction arises from the initial pleading due to Plaintiff's claims for failure to receive overtime wages.

7.

The foregoing action is property removable to this Court pursuant to 28 U.S.C. § 1441(a), 28 U.S.C. §§ 1446(a) and (b), and 28 U.S.C. § 1331.

6.

Contemporaneous to this filing, GC&E Systems Group will send written notice to Plaintiff, a copy of which is attached as Exhibit B, and will file a Notice of Filing of Notice of Removal with the Magistrate Court of Gwinnett County, Georgia pursuant to 28 U.S.C. § 1446(d). A copy of Defendant's Notice of Removal to the Magistrate Court is attached as Exhibit C.

7.

Gwinnett County, Georgia is one of the counties comprising the Atlanta Division of the Northern District of Georgia. Since this action was originally filed in the Magistrate Court of Gwinnett County, Georgia, venue is proper in the Atlanta Division of the United States District Court of the Northern District of Georgia, in accordance with 28 U.S.C. § 1446(a).

Respectfully submitted this 5th day of June, 2014.

/s/ David E. Gevertz
David E. Gevertz, Esq.
GA Bar No. 292430
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
Monarch Plaza, Suite 1600
3414 Peachtree Road, N.E.
Atlanta, Georgia 30326-1164
Phone: 404-221-6512
Fax: 678-406-8816
Email: dgevertz@bakerdonelson.com

Counsel for GC&E Systems Group

CERTIFICATE OF COMPLIANCE

Undersigned counsel certifies the foregoing document has been prepared with one of the font and point selections (Times New Roman, 14 point) approved by the court in local rule 5.1(C) and 7.1(D).

/s/ David E. Gevertz
David E. Gevertz, Esq.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Notice of Removal* was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

Robert Haldeman
6244 New Mill Trail
Acworth, GA 30102

This 5th day of June, 2014.

By: /s/David E. Gevertz
David E. Gevertz